IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 6638 of 2007(R)

PETITIONER:

M.VANAJA, PEON, HIGH COURT OF KERALA,
RESIDING AT N.G.O.QUARTERS, THRIKKAKARA,
KAKKANAD.

BY ADV. SRI.S.M.PREM
SMT.K.P.SANTHI

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. HIGH COURT OF KERALA,
REPRESENTED BY ITS REGISTRAR,
(GENERAL), ERNAKULAM.

R1 BY GOVT. PLEADER MR. BIJOY CHANDRAN
R2 BY ADV. SRI.KRB.KAIMAL (SR.)
SRI.B.UNNIKRISHNA KAIMAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

= = = = = = = = = = = = = = = = =

W.P.(C) No. 6638 OF 2007 R

= = = = = = = = = = = = = = = = =

Dated this the 14th March, 2007

J U D G M E N T

The petitioner commenced service on 7-9-2001 as Part-time Sweeper in the High Court of Kerala. She was appointed as Peon and has been working as such from 28-2-2005. She has made a claim for the grant of special allowance at the rate of Rs.200/- per mensem with effect from 1-11-1998. It is admitted position that the special allowance is payable only to those performing duties in the residence of the Hon'ble Judges of the High Court of Kerala.

2. Heard the learned counsel for the petitioner, learned Senior Govt. Pleader for the 1st respondent and the learned Senior counsel for the 2nd respondent.

3. It is submitted on behalf of the 2nd respondent that the petitioner had worked as Part-time contingent employee in the residence of two Hon'ble Judges for the period from 6-1-2001 to 31-1-2001 and from 7-9-2001 to 27-2-2005 respectively. Hence, the only question for

consideration is whether the petitioner is entitled to claim special allowance for the above period.

4. According to the 1st respondent, special allowance at the rate of Rs.200/- need be granted from the date of G.O.(MS) No. 147/2005/Home dated 27-5-2005, for, grant of special allowance with effect from any date prior to the date of the above Govt. Order will violate Article 49 of the Kerala Financial Code Volume I.

5. Counsel for the petitioner as also the Senior counsel for the 2nd respondent invite my attention to Ext. P3 judgment dated 7-2-2007 in W.P.(C) No. 18328/06 and submit that the above judgment is covered in favour of the petitioner. I have gone through Ext. P3 judgment and find that the above submission is acceptable. Accordingly, there shall be a declaration that the petitioner is entitled for the grant of special allowance at the rate of Rs.200/- per month for service rendered as Part-time contingent employee performing duties as such in the residence of the Hon'ble Judges from 6-1-2001 to 31-1-2001 and from 7-9-2001 to 27-2-2005. Monetary benefits consequent

on the above declaration shall be made available to the petitioner, as expeditiously as possible, in any event, within three months from the date of receipt of a copy of the judgment.

K.K. DENESAN
JUDGE

jan/